

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

HARLAN ISKE,

Plaintiff(s),

V.

STATE OF NEVADA, et al.,

Defendant(s).

Case No. 2:24-cv-01587-JAD-NJK

REPORT AND RECOMMENDATION

Plaintiff is a prisoner with three strikes, who was ordered to pay the full filing fee in this case. Docket Nos. 9, 10. On March 13, 2025, the Court ordered Plaintiff to make that payment by April 11, 2025. Docket No. 11. Plaintiff was expressly warned that “**FAILURE TO COMPLY WITH THIS ORDER MAY RESULT IN DISMISSAL OF THE CASE.**” *Id.* at 1 (emphasis in original). Plaintiff failed to make that payment or to seek an extension of the pertinent deadline.¹

As Plaintiff's application to proceed *in forma pauperis* was denied, this case cannot proceed without Plaintiff paying the filing fee. *See* 28 U.S.C. § 1914(a). Failure to do so subjects the case to dismissal. *See, e.g., Desai v. Biden*, 2021 WL 38169, at *1 (E.D. Cal. Jan. 5, 2021), *adopted*, 2021 WL 276236 (E.D. Cal. Jan. 27, 2021).

Moreover, Plaintiff's refusal to comply with the Court's order is an abusive litigation practice that has interfered with the Court's ability to hear this case, delayed litigation, disrupted the Court's timely management of its docket, wasted judicial resources, and threatened the integrity of the Court's orders and the orderly administration of justice. Sanctions less drastic than dismissal are unavailable because Plaintiff has refused to comply with the Court's order notwithstanding the indication that case-dispositive sanctions may be imposed.

¹ One of the preceding orders was returned as undeliverable. Docket No. 12. Plaintiff's apparent failure to update his address would also be grounds for dismissal. See, e.g., Local Rule IA 3-1.

1 Accordingly, the undersigned **RECOMMENDS** that this case be **DISMISSED** without
2 prejudice.

3 Dated: April 18, 2025

4 
5 Nancy J. Koppe
United States Magistrate Judge

6

7 **NOTICE**

8 This report and recommendation is submitted to the United States District Judge assigned
9 to this case pursuant to 28 U.S.C. § 636(b)(1). A party who objects to this report and
10 recommendation must file a written objection supported by points and authorities within fourteen
11 days of being served with this report and recommendation. Local Rule IB 3-2(a). Failure to file
12 a timely objection may waive the right to appeal the district court's order. *Martinez v. Ylst*, 951
13 F.2d 1153, 1157 (9th Cir. 1991).

14
15
16
17
18
19
20
21
22
23
24
25
26
27
28